



Paper No. 12

**GREGORY W. CARR
CARR & STORM, L.L.P.
900 JACKSON STREET
670 FOUNDERS SQUARE
DALLAS, TX 75202**

In re Application of
Turner, William Frank
Application No. 09/801,972
Filed: March 8, 2001
Attorney Docket No. WEATH 1371001

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 10, 2003, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed July 6, 2001. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on October 7, 2001. A Notice of Abandonment was mailed on March 26, 2002.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address submitted with the instant petition on November 10, 2003, is hereby not accepted. Although petitioner properly submitted the Statement under 37 CFR 3.73(b), it is not complete. In this regard, the 3.73(b) does not include the reel and frame number showing the chain of title from the inventor(s), of the patent application above, to the current assignee. Petitioner may also submit any documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office.

In view of the nonacceptance of the power of attorney submitted on November 10, 2003, if the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

The above-identified application has been abandoned for an extended period of time. The Patent

and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.¹

The file is now being forwarded to Technology Center 3700 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Michael A. Ervin
M. A. Ervin & Associates
8202 Talbot Cove
Austin, TX 78746

¹ See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).